

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2004:

Present

Vote

Walter C. Zaremba
Sheila S. Noll
Kenneth L. Bowman
James S. Burgett
Thomas G. Shepperd, Jr

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A 100-SUITE SENIOR HOUSING INDEPENDENT LIVING FACILITY ON COMMONS WAY (ROUTE 690).

WHEREAS, Osprey Development Company has submitted Application No. UP-629-04 requesting a Special Use Permit, which requests a Special Use Permit, pursuant to Sections 24.1-306 (Category 1, No. 9(b)) of the York County Zoning Ordinance, to authorize the establishment of a 100-suite senior housing independent living facility on a 5.46-acre portion of a 6.46-acre parcel located on the west side of Commons Way (Route 690) approximately 1000 feet south of its intersection with Bypass Road (Route 60) and further identified as Assessor's Parcel No. 9-9-2; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the __ day of _____, 2004, that Application No. UP-629-04 be, and is hereby, approved to authorize the establishment of a 100-suite senior housing independent living facility on a 5.46-acre portion of a 6.46-acre parcel located on the west side of Commons Way (Route 690) approximately 1000 feet south of its intersection with Bypass Road (Route 60) and further identified as Assessor's Parcel No. 9-9-2, subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a 100-suite (not including the hospitality suite) senior housing independent living facility on an 5.46-acre portion of a 6.46-acre parcel located on Commons Way (Route 690) approximately 1000 feet south of its intersection with Bypass Road (Route 60) and further identified as Assessor's Parcel No. 9-9-2.
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any land clearing or development activities on the site. Said site plan shall be in substantial conformance with the conceptual plan entitled "Conceptual Plan for Special Use Permit, Commons Way Independent Living for Osprey Property Company," prepared by AES Consulting Engineers and dated 11/3/03, revised to 1/05/04, and architectural elevations prepared by Edward H. Winks and James D. Snowa Architects, dated 11-24-03, revised to 12/31/03 and received by the Planning Division 1/05/04, except as modified herein.
3. The development shall be constructed and operated in conformance with the provisions of Section 24.1-411, *Standards for Senior Housing (Housing for Older Persons)*, of the Zoning Ordinance.
4. The facility shall be constructed in accordance with measures outlined in the document, "Commons Way Senior Housing Community – Life Safety Narrative," prepared by Edward H. Winks and James D. Snowa Architects, P.C., and dated January 6, 2004, which is made a part of this Resolution by reference. A fire lane with a minimum width of 18 feet shall be constructed to provide adequate emergency vehicle access to the rear of the building, as approved by the Fire Chief.
5. A concrete sidewalk or other hard-surfaced pedestrian path acceptable to the Zoning Administrator shall be constructed to provide safe and convenient pedestrian access from the parking area of the independent living facility along its main entrance driveway to Commons Way. The applicant shall construct a 5-foot concrete sidewalk meeting Virginia Department of Transportation standards along Commons Way within the existing right-of-way across the width of the subject property affected by this Special Use Permit and connecting to the entrance/exit driveway for the adjacent Fort Eustis Credit Union bank. The applicant shall construct a concrete sidewalk or other hard-surfaced pedestrian path acceptable to the Zoning

- Administrator to provide lighted, safe and convenient pedestrian access from the northwest corner of the subject site to the southwest corner of the adjacent Cracker Barrel restaurant site.
6. The existing asphalt road located in the northwest corner of the site shall be removed and landscaped in accordance with Article 2, Division 4 and Section 24.1-411 (e & f) of the Zoning Ordinance.
 7. The maximum number of resident suites shall be one hundred (100) plus one hospitality suite.
 8. All outdoor lighting associated with the development shall be designed, installed, and maintained to prevent unreasonable or objectionable glare onto abutting or adjacent properties and shall incorporate the use of full cut-off, shielded luminaires.
 9. To facilitate screening and buffering for the existing railroad and adjacent residential dwellings, landscaping within the 50-foot perimeter buffer along the southwest boundary of the site (parallel to the CSX railroad right-of-way) shall meet minimum planting standards equivalent to a Transitional Buffer Type 50 as set forth in Zoning Ordinance Section 24.1-243(a)(3). Fifty percent (50%) of the required landscape credits shall be derived from evergreen shrubs that will attain a mature height of at least six feet.
 10. To ensure that there was no contamination of the site as a result of the previous fuel oil distribution use, a Phase II Environmental Site Assessment shall be completed and submitted to the County prior to issuance of building permits for the subject facility. The existing aboveground storage tank shall be registered with the Virginia Department of Environmental Quality and evidence of the registration shall be submitted to the County prior to its removal from the site. The applicant and/or the property owner shall be responsible for implementation of any remedial decontamination measures if required by the Virginia Department of Environmental Quality prior to any construction activities on the property.
 11. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.